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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Gregory J. LaRosa		
Application No.:	09/121,781	Group Art Unit:	1645
Filed:	July 23, 1998	Examiner:	Salimi, A.

For: ANTI-CCR2 ANTIBODIES AND METHODS OF USE THEREFOR

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231

on 7/19/00 (Date) Paula Depelteau (Signature)

Paula Depelteau
Typed or printed name of person signing certificate

REPLY TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Responsive to the Restriction Requirement dated June 19, 2000, the claims of Group I (Claims 1-8, 45-51 and 52, drawn to antibody or antigen binding fragment which binds CC-chemokine receptor 2, a composition comprising an antibody, and a method of treating a CC-chemokine receptor 2-mediated disorder in patients) are elected for prosecution in the subject application with traverse. Applicant reserves the right to file a continuing application or take such other appropriate action as deemed necessary to protect the inventions of Group II (Claims 9 and 11), Group III (Claims 10 and 12), Group IV (Claim 13), Group V (Claims 14-19), Group VI (Claims 20-25), Group VII (Claims 26-29), Group VIII (Claims 30-32), Group IX (Claims 33-38), Group X (Claims 39 and 40) and Group XI (Claims 41-44). Applicant does not hereby abandon or waive any rights in the inventions of Groups II, III, IV, V, VI, VII, VIII, IX, X and XI.

The requirement is being traversed for the reasons set forth in detail below.

Traversal of Restriction Requirement

Applicant respectfully traverses the Restriction Requirement as to Groups I, II and III. The Examiner states that the inventions of Groups I-III are mutually exclusive and patentably distinct products, and that examination of these groups would require different searches and consideration of different patentability issues.

Applicant agrees that they are patentably distinct; however, Applicant respectfully disagrees with the Examiner's position for the following reasons: Groups I, II and III are related as genus (Group I) and species (Groups II and III), and all three groups as disclosed share certain structural and functional features, e.g., the ability to bind to mammalian CCR2 and inhibit binding of a ligand to the receptor. In order to perform a complete search of the invention of Group I, the Examiner must construct a search strategy which would identify species within the genus, and thus Applicant believes that there is no undue search burden on the Examiner to examine Groups I-III together. Moreover, if the Restriction Requirement is maintained, this places an undue burden on Applicant to file and maintain at least two additional applications to pursue the inventions of Groups II and III, which will of necessity have already been searched in the present application.

Thus, Applicant believes that Groups I, II and III should properly be rejoined and should be searched and examined together in the present application. If the Examiner maintains the Restriction Requirement, Applicant requests that the Examiner consider applying the standards for a generic claim, linking species, and election of species (37 C.F.R §1.141 and MPEP §809.02 *et seq.*), in which case Applicant elects the species of Group II.

Respectfully submitted,
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

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